IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO : 19377 of 1997

Between:

Smt.V.Parvathi W/o.V.Kannarao
Hindu, R/o.Rajahmundry, East Godavari District.

..... PETITIONER

AND

1 The Disciplinary Authority
District Judge, East Godavari at Rajahmundry
2 The Registrar (Administration)
High Court of A.P., Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or directions more particularly one in the nature of writ of mandamus, declaring the action of the 1st respondent Dt.09/01/1997 from dismissing her from service as confirmed by the 2nd respondent through its proceedings Roc.No.559/97-D1, Dt.15/04/97 is illegal, contrary to law and opposed to the principles of natural justice and consequently direct the respondents to reinstate the petitioner as full time masalchi with back wages and all attendant benefits.

Counsel for the Petitioner:MR.D.RAMALINGA SWAMY

Counsel for the Respondents: SMT.M.BHASKARA LAKSHMI

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petitioner was working as a full time Masalchi in the II Additional District and Sessions Judge's Court at Rajahmundry and was proceeded against departmentally for the alleged act of her daughter having committed some theft in the puja room in the residence of the Presiding Officer. The said act committed by the petitioner's daughter and her confession that she committed theft of coins worth Rs.600/- at the petitioner's behest was taken as misconduct on the part of the petitioner. Charges were proved against the petitioner and she was removed from service.

We have heard the counsel for the parties and gone through the record. Though it is hardly a fit case for interference on judicial side, we consider that for the act committed by the petitioner's minor daughter, of a trivial nature, petitioner cannot be imposed with punishment, which is harsh, severe and also disproportionate.

In the circumstances, we are inclined to modify the punishment imposed upon the petitioner to that of taking back the petitioner as a full time Masalchi as a fresh recruit without any claim for seniority and monetary benefits. Learned counsel for the petitioner agrees that the petitioner will not raise any claim for any backwages or seniority.

Accordingly, we dispose of the writ petition modifying the impugned order and

direct that the petitioner will be taken back in service as a full time Masalchi as a fresh recruit in the court of the District Judge, Rajahmundry without any backwages or seniority.

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DEVINDER GUPTA, CJ

3-11-2004

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C.V.RAMULU, J

Tvr

To

1 The Disciplinary Authority
District Judge, East Godavari at Rajahmundry
2 The Registrar (Administration)
High Court of A.P., Hyderabad

3 2 CCs to the Standing Counsel for the High Court of A.P., High Court

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